

September 6, 2018

The Honorable Ajit V. Pai
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Chairman Pai,

We write to express our alarm with the revelations that Verizon Communications drastically slowed the data plan that the Santa Clara County Fire Department (SCFD) had purchased from Verizon while it was in the middle of fighting the Mendocino Complex fire, the largest in our state's history.

As you know, a key part of the FCC's work is to ensure that internet service providers such as Verizon are transparent about the terms of the services they provide to customers. Communications between the department and Verizon suggest that SCFD believed the data plan it purchased from Verizon was not subject to any data limits or throttling. We therefore ask the FCC to investigate whether Verizon violated 47 CFR § 8.1, which requires internet service providers to publicly disclose information about their "network management practices, performance characteristics, and commercial terms of their broadband internet access services sufficient to enable consumers to make informed choices regarding the purchase and use of such services."

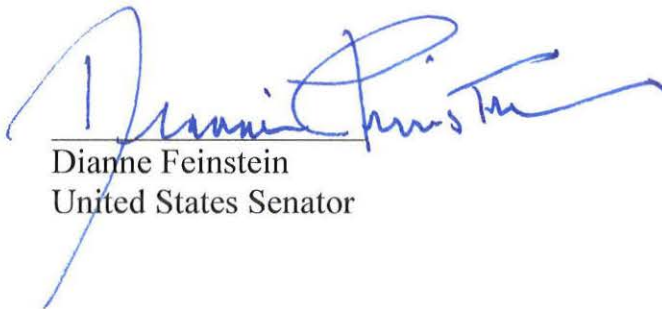
While all consumers should be afforded equal protections under the FCC's transparency rule, the dangers from non-compliance with this rule are even greater when first responders are affected. In times of an emergency, efficient and effective communications systems are some of the most important tools our first responders need to be able to respond to an incident.

Our first responders should have the communications tools they need to effectively protect our communities, regardless of their Internet service provider. In addition to commencing an investigation into Verizon's actions, we ask that you request the following information from AT&T, T-Mobile, and Sprint as well:

1. How do you ensure that your public safety customers are aware of restrictions on their data plans (in advance of purchase), including data caps and conditions for reduced speeds?
2. Do you currently impose any data caps or reduce speeds after a certain point on any service plans purchased by public safety customers? Please specify the conditions under which speeds are reduced, and the criteria used.
3. In the event that you answered affirmatively to the second question, what protocols do you have in place to allow public safety customers to designate certain mission-critical activities (such as actively responding to an emergency) that are then exempt from any data caps or throttling?

We thank you for your attention to this urgent matter and respectfully request a response to this inquiry, confirming that you will be able to complete this investigation in a timely manner. Given that we are in the middle of one of the worst fire seasons in our state's history, we ask that you move expeditiously to complete this request.

Sincerely,



Dianne Feinstein
United States Senator



Kamala D. Harris
United States Senator

Cc: Commissioner Michael O'Rielly
Commissioner Brendan Carr
Commissioner Jessica Rosenworcel
Rosemary Harold, Bureau Chief, Enforcement Bureau
Lisa M. Fowlkes, Bureau Chief, Public Safety Bureau



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

November 26, 2018

The Honorable Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Feinstein:

I appreciate your letter regarding the problems the Santa Clara County Fire Department had using Verizon's network as they battled the Mendocino Complex Fire. I agree that first responders' communications systems must be reliable when they need them most. And our Public Safety and Homeland Security Bureau continues to work with first responders and wireless service providers to ensure that communications networks are available for emergency services both during and after a natural disaster.

As you may know, Santa Clara County itself acknowledged in a recent court filing that Verizon's actions here did not apparently violate the Commission's *Title II Order* or the 2015 net neutrality rules. Indeed, the *Title II Order* referred to the type of data plan Santa Clara purchased from Verizon (i.e., one in which speeds are slowed after a subscriber uses a specified amount of data) as the industry norm. So I was glad to hear that Verizon offer a new plan with no speed restrictions on public safety customers in a declared emergency, even though this would mean treating some users differently from others. And per your request, I have asked FCC staff to look into how wireless service providers communicate to public safety officials information about their service plans.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink that reads "Ajit V. Pai".

Ajit V. Pai



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

November 26, 2018

The Honorable Kamala D. Harris
United States Senate
112 Hart Senate Office Building
Washington, D.C. 20510

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Ajit V. Pai